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November 24, 2010

**BY ECF FILING**

The Honorable Denis R. Hurley  
United States District Court  
for the Eastern District of New York  
P.O. Box 9014  
100 Federal Plaza  
Central Islip, NY 11722

Re: [Chase Bank USA, N.A. v. Allegro Law, LLC, et al., No. 08-CV-4039 \(DRH\)\(WDW\)](#)

Dear Judge Hurley:

We are counsel to AmeriCorp, Inc. ("AmeriCorp"), a defendant in the action referenced above (the "Action."). We write briefly to address the letter from Mr. Thomas Stagg, counsel to plaintiff Chase Bank USA, N.A. ("Chase"), to this Court dated November 17, 2010 (the "November 17 Letter").

By Order entered July 22, 2010, Magistrate Judge Wall stayed discovery in the Action, noting that the "[C]ourt will enter an expedited discovery schedule," if the Action proceeds. Order entered July 22, 2010 at 1 (Docket Entry #70). While the November 17 Letter was not expressly styled as a motion, Chase appears to seek reconsideration of Magistrate Judge Wall's discovery order without presenting any new developments or facts that were not raised before Judge Wall.

Chase's position is legally baseless. Chase's November 17 Letter does not point to any specific decisions or data, or any other new information which would support reconsideration of Judge Wall's determination that a stay of discovery is appropriate in this Action. *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995) ("a motion to reconsider should not be granted where the moving party seeks solely to relitigate an issue already decided"). Chase certainly does not suggest that Judge Wall's order was "clearly erroneous or contrary to law," as would be required to reverse Judge Wall's order on a non-dispositive motion. 28 U.S.C. § 636(b)(1)(A).

Accordingly, the November 17 Letter presents no legal or factual basis upon which this Court might lift the stay of discovery in this Action, and the relief requested therein should be denied.

We thank the Court for its consideration of AmeriCorp's position.



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The Honorable Denis R. Hurley

November 24, 2010

Page 2

Respectfully,

A handwritten signature in black ink that reads "Michael C. Hartmere".

Michael C. Hartmere (MH-6839)

cc: The Honorable William D. Wall (by ECF filing)  
All counsel of record (by ECF filing)